

HOUSE BILL 2770

By Hood

AN ACT to amend Tennessee Code Annotated, Title 49,
Chapter 6, to enact the "K-12 Research Act."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, is amended by adding sections 2 through 5 below as a new part.

SECTION 2. This part shall be known and may be cited as the "K-12 Research Act".

SECTION 3. The "common rule," as more fully described in 45 CFR § 46, is hereby designated as the guiding policy for public school systems across the state regarding internal and external human research.

SECTION 4. No human research involving kindergarten through grade twelve (K-12) students shall be conducted or authorized by the Tennessee department of education or any local education agency at any public school of the state, including field service offices or centers, unless such human research is conducted in compliance with this part and other applicable law pertaining to informed consent.

SECTION 5. No such human research shall be conducted or authorized unless the student and the student's parent or legally authorized representative give their consent. Mere failure to object, absent affirmative agreement, shall not be construed as consent. Such consent shall be evidenced by a signed and witnessed informed consent form. Such consent form shall include the following information:

- (1) Statement that the study involves research along with an explanation of the purpose, a description of the procedures, and identification of experimental procedures;
- (2) Description of any reasonably foreseeable risks or discomforts;
- (3) Description of any benefits;
- (4) Disclosure of appropriate alternative procedures or course of treatment, if

applicable;

(5) Statement describing the extent to which confidentiality of records identifying the subject will be maintained;

(6) If such research involves more than minimal risk, then an explanation as to whether compensation or any medical treatments or both are available if injury occurs;

(7) Contact information; and

(8) Statement that participation is voluntary.

SECTION 6. The state board of education is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 7. This act shall take effect July 1, 2008, the public welfare requiring it.